

F-7008



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toshiaki TSUJIKAWA, et al.
Serial No. : 09/871,186
Filed : May 31, 2001
For : METHOD OF CONTROLLING LASER DIODE IN OPTICAL
DISK PLAYER AND CIRCUIT THEREOF
Group Art Unit : 2651
Examiner : UNKNOWN

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Certificate of Mailing Under 37 CFR 1.8

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Frank J. Jordan
(Name)

[Signature] 03/25/04
(Signature and Date)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

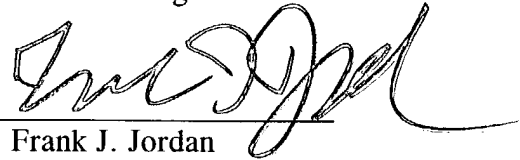
Attached hereto is a copy of an Office Action from the Patent Office of the People's Republic of China dated January 2, 2004, along with Form PTO-1449, and a copy of the cited reference listed therein.

This Information Disclosure Statement is being filed prior to issuance of the first Official Action. Therefore, there is no charge for filing this IDS.

Respectfully submitted,

Jordan and Hamburg LLP

By



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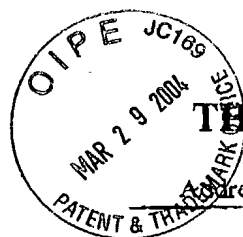
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FJJ/cj
Enc.



F-7008

Form PTO-1449 (Rev. 7-80) 42-44F (F-49)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No.: F-7008		Serial No.: 09/871,186	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant: Toshiaki TSUJIKAWA, et al.		Filing Date: May 31, 2001	
				Group: 2651			
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
		5,070,496	12/3/91	Ogawa et al.			
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation
							Yes No
					RECEIVED MAR 31 2004 Technology Center 2600		
TRANSLATION KEY: * English Abstract. ^F Concise statement of relevance provided in foreign search report. ^C Concise statement of relevance provided in specification. ^S Concise statement of relevance provided in IDS. ^P Relevant portion of reference translated. ^O English abstract only - copy of reference in pct search.							
OTHER INFORMATION DISCLOSURE CITATIONS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	NIPPON PRECISION CIRCUITS INC.; MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.	Date of Notification: Date: 2 Month: 1 Year: 2004
Attorney:	DONG Xin	
Application No.:	01119442.1	
Title of the Invention:	METHOD OF CONTROLLING LASER DIODE IN OPTICAL DISK PLAYER AND CIRCUIT THEREFOR	

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Notification of Second Office Action

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- ☒ The examiner received the response submitted by the applicant on August 7, 2003 to the 1 Office Action and further examination as to substance has been carried out on the above-identified patent application for invention on this new basis.

☐ According to the Reexamination Decision made by the Patent Reexamination Board of the Patent Office on _____ examination as to substance on the above-identified application has been resumed.
- Further examination as to substance has been carried out based on the documents as specified below:

☐ The amended application documents attached to the response to the previous Office Action.

☒ The application documents based on which the previous examination was carried out and the substitution pages attached to the response to the previous Office Action.

☐ The application documents based on which previous examination was carried out.

☐ The application documents confirmed by the Reexamination Decision.
- ☐ No further reference documents are cited in this Office Action.

☒ Below is/are the reference document(s) cited in this Notification:

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US 5070496	Date: 3 Month: 12 Year: 1991
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

4. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The amendments to the description do not comply with Article 33 of the Patent Law.
 - ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
 - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
 - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

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☒ On the Claims:

- ☐ The amendments to claims _____ do not comply with Article 33 of the Patent Law.
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1-3,5,6 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☒ Claim(s) 8 does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 6,7 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The detailed explanation of the above conclusions is set forth in the text portion of the Notification.

5. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments to the application documents as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will be rejected.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

6. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 2 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

7. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 1 cited reference(s), totaling 8 pages.
- ☐

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Text of Notification of the Second Office Action

There are following defects in the amended claims.

1. Claim 1 does not possess the inventiveness as stipulated in Article 22.3 of the Chinese Patent Law (CPL).

Claim 1 seeks to protect a method for controlling a laser diode for use in an optical disk player. Reference 2 has disclosed a laser reproducing apparatus, and specifically disclosed the following technical features (please see column 2, line 9 to column 4, line 19 of the specification and drawings 1-7): the laser diode 12 is used for reading data from the disk; when the laser diode reads data from the disk, the light emitted from the laser diode in synchronism with a impulse signal are turned off intermittently by the control of impulse signal (corresponding to the data playback clock signal of claim 1).

Claim 1 differs from reference 2 in that, the data playback clock signal is created from the data signal read from the disk in claim 1. to-magnetic disk is revolved at a constant angular velocity, reference clocks (corresponding to the data playback clock signal of claim 1) are formed in synchronism with the pits on the basis of the detection output obtained upon detecting the servo pits, the laser diode is driven by pulses at the timing of the reference clocks synchronized with the servo pits in the pit region of the opto-magnetic disk so that the data synchronized for the disk in its entirely may be written in each data region.

This difference serves the same function in reference 1 as that in claim 1, that is, to serve as clock signal for the data recording/reproducing. Moreover, both reference 1 and reference 2 belong to the field of data recording/reproducing. It is obvious for those skilled in the art to obtain the technical solution as claimed by claim 1 based on reference 1 in combination with reference 1, moreover, such a combination does not produce unpredictable technical effect. As a result, claim 1 neither has prominent substantial feature nor represents notable progress, and does not possess the inventiveness.

2. Claim 2 does not possess the inventiveness as stipulated in Article 22.3 of the CPL. The comments are as follows.

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The continuous operation of the laser diode as mentioned in claim 2 is common knowledge in the art. Moreover, the intermittent operation of the laser diode has been disclosed by reference 1. As the intermittent operation is synchronized with the reference clock, as described in reference 1, and it is obvious to need a stable signal to be used for the reference clock. For the same reasons, it is obvious for those skilled in the art that, during the playback, the laser diode is switched from continuous operation to intermittent operation only after the data playback clock signal is stabilized. As claim 1 does not possess the inventiveness, claim 2 depending on claim 1 also neither has prominent substantial feature nor represents notable progress, and thus does not possess the inventiveness.

3. The focus lock signal as mentioned in claim 3 is common knowledge in the art. As claims 1 and 2 do not possess the inventiveness, claim 3 depending on claim 1 or 2 also neither has prominent substantial feature nor represents notable progress, and thus does not possess the inventiveness.

4. The technical features of "multiplying the data playback clock signal" and "the ratio of a time for which said laser diode is made to emit to a time for which said laser diode is not made to emit is varied at will" as defined in claims 5 and 5, respectively are common knowledge in the art. As cited claims do not possess the inventiveness, claims 5, and 6 also neither have prominent substantial feature nor represent notable progress, and thus do not possess the inventiveness.

5. The description of "at will" as mentioned in claim 6 is a meaning-undetermined term, which renders the scope sought to be protected by claim 6 unclear. As a result, claim 6 does not comply with the provisions as stipulated in Rule 20.1 of the Implementing Regulations (IR) of the CPL.

6. The description of "an arbitrary value" as mentioned in claim 7 is a meaning-undetermined term, which renders the scope sought to be protected by claim 7 unclear. As a result, claim 7 does not comply with the provisions as stipulated in Rule 20.1 of the Implementing Regulations (IR) of the CPL.

7. The description of "said driver circuit producing a drive signal for driving said laser diode based on an output signal from said frequency multiplier circuit to cause said laser diode to emit intermittently in synchronism with said data playback clock signal" as defined in claim 8 is not consistent with "the driver circuit controls the emission of the laser diode based on the output of the mode-switching circuit" as described in the specification. As a result, claim 8 can not get support from the specification and does not comply with the provisions as stipulated in Article 26.4 of the CPL.

Chinese Patent Application No.01119442.1

Based on above reasons, the application can not be patented under the present text. If the applicant amends the application document in accordance with comments as proposed by the examiner, and overcomes the existent defects, the application would be patented. Otherwise, the application will be rejected. Please note, amendments to the application document should comply with Article 33 of the CPL, and shall not go beyond the scope recorded by the original specification and claims.

Comments of Attorney

As to item 1, the applicant shall present convincing arguments to show that, there exist some substantial differences between the technical solution as claimed by claim 1 and that combined by References 1 and 2, and such differences are not obvious for those skilled in the art and can produce unpredictable technical effect, or alternatively, such a combination is not obvious for those skilled in the art. Otherwise, the applicant shall redraft independent claim based on Reference 1.

As to items 2-4, if independent claim possesses the inventiveness, dependent claims depending on independent claim 1, respectively, can be still retained in the claims.

As to items 5-6, formal amendment shall be made.

As to item 7, if the applicant believes said description can get support from the specification, he shall point out in particular where of the specification said description has been described. Otherwise, adaptive amendment shall be made.